

TEN MATTERS WORTHY OF NOTE:

I. The Declaration or Resolution of
the Officers in the County of *Essex*, to the
Earle of *Warwick*, L. Lievtenant of that County.

II. The Lord *Willoughby* of *Parham* his Letter
to an Honorable Member of the *PARLIAMENT*.

III. His Maiesties Letter to the Lord *Willoughby* of *Parham*.

III. The Lord *Willoughby* of *Parham* his Letter, in answer to
His Maiestie.

V. With the Message of the Lords to the House of Commons up-
on the said Letters.

VI. Also the Lord of *Warwick*, Letter to his Brother the Earle of *Holland*;

VII. With the Approbation of both Houses concerning the same.

Die Iovis, 9. Iunii, 1642.

*Ordered by the Lords in Parliament, That these severall Letters and
Resolutions shall be forthwith Printed and Published.*

Ioh. Brown, Cler. Parliament.

VIII. And also a Proclamation by the King, proclaimed in
London the Ninth of *June*, 1642. concerning Sir
John Horham, and the *Militia*.

IX. And a Declaration of the Lords and Commons in Parliament con-
cerning the said Proclamation.

X. With the Statute of the 7. *Edward* 1.

LONDON, Printed *June* the 13. for *Tho: Banks*. 1642.

*The Declaration or Resolution of the Officers in the Countie of
Essex, to the Earle of Warwick, Lord Lieutenant
of that Countie.*

VVE the Captaines and Lieutenants with the full consent of the trained bands and Volunteers of the said Countie now assembled, having before the accessse of this present Parliament seene our Religion, our Lawes, our liberties and estates brought to the brinke of ruine and subversion by the results of most desperate and wicked Counsels, could not but with exceeding joy behold the assembling and continuance of so great and faithfull a Councell (the representative body of this Kingdome) and with most certaine confidence commit thereto all that was deere unto us.

And having also seene the late hellish designes and actings of a Malignant partie of this kingdome, and the bloody rebellion in Ireland, all working to retard the progresse, or subvert the being of this worthy Parliament, and therein to bereave us of all our hopes of Reformation, or future peace or happinesse to this Church or Kingdome. Wee cannot but ascribe all glory and praise unto the Lord of Lords, and expresse most hearty thankfullnesse unto his blessed Instruments that great assembly, for their undaunted resolutions, unparalleld endeavours, and happy proceedings for the common good. And herein (as not the least meanes of our safety) for the most necessary and seasonable Ordinance of theirs touching the ordering of the Militia, whereby we art put under the command and guidance of so Noble a Lord, and such worthy Gentlemen, whereunto we humbly desire this present day and meeting may bee an evidence and pledge of our free and willing obedience.

And in having trusted our religion, and lawes, and all into the hands of that great and most faithfull Councell the Parliament, whose care and fidelitie wee have so abundantly found, we even bleed to see the heart and actions of our Royall King (contrary to his owne Royall expressions) declining from the Counsels of His Parliament, and carried after other Counsels, whom, as the Lawes and constitutions of this land have not knowne, nor reposed upon: so we (for our owne parts) neither will nor dare intrust with our Religion or Lawes. And whom we verily beleeve, could they prevaile against that highest Court (under God our chiefest Bulwarke and defence) would soone deprive us both of Religion and Law, and (notwithstanding all their specious pretences) reduce us to a condition no lesse miserable then slavish.

From the deepe apprehensions of all which we doe freely and heartily promise and tender our persons and estates to assist and defend (to the uttermost) the high Court of Parliament now assembled, the members power and priviledges thereof, and therein His Majesties person and authority, and the kingdomes peace, (according to our late Protestation) against all contrary counsels, power, and force of Armes whatsoever, which shall bee reard up, or attempted against them.

And this our humble acknowledgement and resolution (which wee doubt not will bee accorded unto by all good subiects) wee humbly desire your Honour and Worships to tender on our behalfe unto that most Honorable Assembly of Parliament For whose happy progresse and successe we shall daily pray.

The



*The Lord Willoughby of parham his Letter to an Honourable
Member of the house of Parliament.*

My Lord,

I Received a Letter from your Lordship, in which the House is pleased to do me a very great Honour, farre above any desert of mine, and little expected by mee for my Lord, I well know my obedience tyes me to fulfill their Commands; and in that I have done; but my duty, and that which every honest man ought to doe, and oweth of right to the Parliament; and whosoever hath that principle in him, it will dictate to him as much, and keep him from other by-waies: And for my owne part. my heart ever was and shall ever be, both forward and ready to obey their Lordships command in all things, both with Integrity and industry, and Gods curse light upon him and his, that carries any other heart about him. My Lord, it is too mean a way for me to expresse my acknowledgement in paper, to the House, for this high favour which I have received by your Lordships Letter. I hope to make it appear by my actions that their Lordships see, I am not an ungratefull servant. It is a great encouragement to these parts, their Lordships Resolutions, in giving their Commands to have the rest of the *Militia* put in present execution; and truly, my Lord. it was out of that regard that I did intimate it to my Lord of *Essex*, as holding it a thing much conducing to the publicke good, and the only remedy to cure these distractions which the Kingdom is in, not out of any regard to my selfe; for I know, if I suffer in executing their Lordships commands, it must be against their wills, and when that day comes, I will not give a straw for all I have, were I but a looker on. My Lord, as I was this day at *Lincoln* where I appointed to begin to Muster, there came a Messenger from his Majesty, with this Letter, which I held it my duty to acquaint the House with, and likewise my answer, and am for *Lincolne*, where, as in all other places, I shall be ready to serve your Lordship.

As your most humble servant,
F. WILLOUGHBY.

MY Lord, ere my Letter was sealed up, I could not but give your Lordship an accompt, in how good a Posture I found the trained Band of *Lincoln*, which was farre beyond my expectation considering the unhappinesse in the sicknesse, being disperled in the Town, which hindred the appearance of some; But truly my Lord that was fully supplied by a Company of Volunteers, equall in number and goodnesse of Arms to the Trained Bands.

Lincoln, 6. June. 1642.

CHARLES REX.

Right trusty and welbeloved We greet you well. Whereas We understand, That you have begun to assemble Train and Muster the Trained Bands of our County of *Lincoln*, under pretence of an ordinance of Parliament, whereto We have not given Our consent; Which is not only contrary to Law, but to Our Command and Pleasure signified by Our Proclamation sent to the high Sheriff of that Our County: Wherefore That you may not hereafter plead Ignorance of such our prohibition; We do, by these Our Letters, Command, and charge you, upon your Allegiance, to desist and forbear to Raise, Muster, Train, Exercise, or Assemble together any part of the Trained Bands of that Our County, either by your selfe. or by any others employed under you or by Warrant from you. And because you may, for what you have already done, concerning the Militia of that Our County, plead that you had not so particular a Command; We shall passe by what you have already done therein, So as I referre

by upon your receipt hereof you shall desist and give over meddling any further with any thing belonging to the Militia of that Our County; But if you shall not presently desist, and forbear meddling therewith, We are resolved to call you to a strict Account for your Disobedience therein, after so many particular and legall Commands given you, nor your Allegiance to the contrary, and shall esteem and proceed against you as a disturber of the peace of Our Kingdom.

Given at our Court at York, the fourth of June. 1642.

SIR,

AS there can be nothing of greater unhappinesse to me, then to receive a Command from your Majestie, whereunto my endeavours cannot give so ready an obedience, as my affections: so I must confesse the difficulty at this time not a little, how to expresse that duty which I owe to your Majesties late Commands, and not falsifie that Trust reposed in me by your high Court of Parliament; through whose particular directions I am now come into this Countey to settle the Militia, according to the Ordinance of Parliament which by the Votes of my Lord *Littleton* and others in the House of Peeres, better versed in the Laws then my self, passed as a Legall thing; and hath since been confirmed (if I mistake not) by his example, and your Majesties Chief Justice, Sir *John Banks*, both in accepting their Ordinance, and nominating their Deputy Lieutenants; how much farther they proceeded, I know not.

But Sir, if the opinions of those great Lawyers drew me into an act unsuitable to your Majesties liking: I hope the want of years will excuse my want of judgement. And since the Command of the Parliament, I am now so far engaged in their service as the sending out Warrants to summon the County to meet me this day at *Lincoln*, and afterwards in other places: I do most humbly beseech your Majesty not to impose that Command on me, which must needs render me false to those that rely on me, & so make me more unhappier then any other misery can fall upon me.

These things, Sir, I once more humbly beseech your Majestie may be taken into your gracious consideration, & that you would never be pleased to harbour any misconceit of me, or of this action, since nothing hath yet passed by my Commands here, or ever shall; but what shall tend to the honour and safety of your Kingdom and to the content (Thope) of all your Majesties Subjects in these parts; amongst which I remain.

Your Majesties Most humble and dutifull Subiect and Servant.

F. WILLOUGHBY.

The Approbation of both Houses.

THE Lords and Commons in Parliament assembled, being advertised by the Lord Lieutenant, and Deputy Lieutenants of the County of E S S E X, of their ready, full and forward meeting of the Trayn-Bands of that County; and of a cheerefull access, of a very considerable number of Volunteers at their first appearing; Have thought fit, to expresse unto them, the good sense they hold of their proceedings, so much conducing to the Generall safety of this Kingdom; And having likewise received from them a Declaration full of affections, and good inclinations, to maintaine our Religion, Lawes, Liberties, and priviledges of Parliament; Which they observe to be invaded by pernicious Councell, as indeed they have beene of late, in a more dangerous, and high manner then any age can parallell: And having very prudently observed, in a right understanding, That the Kingdome, and the Kings authority and Person, can be no wayes maintained, but by the upholding the power and priviledges of Parliament; as by the late Protestation they acknowledge them selves bound unto, against all contrary Councells, Power, and force of Armes whatsoever. This iust and faithfull resolution of theirs, to the publique good; The Lords and Commons do not only approve, but commend, assuring them, that as their endeavors have been for the peace and happinesse of the King and Kingdom; So they will persist, in discharge of the great and publique trust, which lies upon them; to goe through all difficulties which may oppose the publique peace and welfare of this Kingdom: And will upon all occasions, be ready to expresse particularly, to persons from whom they have received such assurance of their affections and fidelities,



By the King.

A Proclamation proclaimed in London the ninth of June 1642. concerning Sir John Hotham, and the Militia.

WHereas by the Statute made in the seventh yeere of King Edward the first, *The Prelates, Earles Barons, and Commonalty of the Realme affirmed in Parliament, That to the King it belongeth, and his part it is by his Royall Segniority straitly to defend wearing of Armour, and all other Force against the Peace, and all times when it shall please Him, and to punish them which shall doe contrary, according to the Lawes and usages of the Realme; and hereunto all Subjects are bound to aide the King, as they Sovereigne Lord at all seasons, when neede shall be.* And whereas We understand, That expressly contrary to the said Statute and other good Lawes of this our Kingdome, under colour and pretence of an Ordinance of Parliament, without Our consent or any Commission or warrant from Us, The Trained Bands, and the Militia of this Kingdome have beene lately, and are intended to be put in Armes, & drawne into Companies in a War-like manner, whereby the Peace and Quiet of Our Subjects is, or may be disturbed; Wee being desirous by all gracious and faire admonitions to prevent, That some malignant Persons in this Our Kingdome doe not by degrees seduce Our good Subjects from their due obedience to Us and the Lawes of this our Kingdome, subtilly endeavoring by a generall Combustion or Confusion, to hide their mischievous designs and intentions against the Peace of this our Kingdome and under a specious pretence of putting Our Trained Bands into a Posture, draw, & engage Our good Subjects in a Warlike Opposition against Us as Our Towne of Hull is already by the Treason of Sir Sir John Hotham, who at first pretended to put a Garison into the same, onely for Our security and service.

We doe therefore by this Our Proclamation expressly charge and Command all Our Sheriffes, and all Colonels, Lieutenant-Colonels, Serjant Majors, Captaines, Officers, and Souldiers belonging to the Trained Bands of this Our Kingdome, and likewise all high and petty Constables, and other Our Officers and Subjects whatsoever, upon their Allegiance and as they tender the peace of this Our Kingdome Not to Muster, Levy, Raise, March, or to summon, or warne upon any Warrant Order or Ordinance for one or both Our Houses of Parliament, (wheteunto We have nor, or shall not give Our expresse Consent) any of our Trained Bands or other Forces to Rise, Muster, March, or Exercise, without expresse Warrant under Our Hand, or Warrant from Our Sheriffes of the County, grounded upon a particular Writ to that purpose, under Our great Seale. And in case any of Our Trained Bands shall rise or gather together, contrary to this Our command; Wee shall then call them in due time to a strict account, and proceede legally against them as violaters of the Laws, and disturbers of the Peace of the Kingdome.

Given at Our Court at Yorke the 27. day of May. 1642.

To

Of the Lords to the House of Commons.

The Lords have thought fit to let you know, how much they value and approve the service so much importing the safety of this Kingdome; and they doubt not of your readinesse to concur with them, upon all occasions to manifest the sence they have, and shall retaine of his deservings, which appeares the greater, by how much the difficulties (by those circumstances you have heare read) have beene greater. And as my Lord resolves to make his interest their owne, in this service, for the publique good, and safetie of this Kingdome, so they desire you to joine with them, in so good and necessary a worke. Resolved by the House of Commons to joine with the Lords in this vote, and doe make the like resolution for the deputy Lieutenants for the County of *Lincolne*, and desire the Lords concurrence therein.

Ordered by the Lords in Parliament, That they agree with the House of Commons, for the resolution concerning the Deputy-Lieutenants of the County of *Lincolne*.

To my Noble Brother the Earle of Holland

Brother,

In obedience to the order of both Houses of Parliament, I this day repaired to Burntwood (where about one four parts of the Trayned bands of *Essex*, were appointed to meete) for the putting of the ordinance for the Militia of this County in execution. I saw five Companies drawne out, being of the ordinary trayned Bands (and all that were designed to this place) whose numbers I found full, and their Armes compleat. For though about threescore Armes had beene formerly taken out of each company for the late service about *Scotland*, yet a full supply was made by Volunteers, and one of the said five Compaines (being under the conduct of Sir *William Mashams*, sonne) was double to the usuall list. A sixth Company was drawne out, which consisted of neere five hundred able men, who came as Volunteers under the command of Sir *Thomas Baringtons* younger sonne. I caused the Declaration of both Houses made for their indemnity, to be read at the head of each Company, And required the Captaines, Officers, and Souldiers to bee obedient to such directions as should be conveyed to them from me, or my deputy Lieutenants, according to the said ordinance for the service, of his Majesty and his Parliament, in defence of the Kingdome. To which they did unanimously manifest a resolution and respect, and a cheerfull readinesse, therein to spend their lives and fortunes. Hereof I thought fit to give your Lordship this brieft accompt praying you to communicate the same to their Lordships, I having desired my deputy Lieutenants to doe the same to the House of Commons. I have this day received a petition from the Captaines and Lieutenants of the severall companies here assembled, in the name of all the persons belonging to the said trayned bands, and with their full consent expressed upon the reading of it, by their generall acclamations, and applause, in their severall Companies, whereof I send your Lordship a copy here inclosed. And so desiring from God a blessing upon all your counsells, I rest.

Burntwood the 7. of *June*, 1642.

Your Lordships affectionate Brother
WARWICK.

A Declaration of the Lords and Commons in Parliament, concerning his Maiesties Proclamation.

THe Lords and Commons having perused His Maiesties Proclamation forbidding all His Maiesties Subjects, belonging to the Trained-Bands, or *Militia* of this Kingdome to rise, march, muster, or exercise, by vertue of any Order or Ordinance of any one or both Houses of Parliament, without consent or Warrant from His Maiestie, upon paine of punishment according to the Lawes.

Doe thereupon declare, That neither the Statute of the seventh of *Edward* the first therein vouched, nor any other Law of this Kingdome doth restraine, or make void the Ordinance agreed upon by both Houses of Parliament, for the ordering and disposing the *Militia* of the Kingdome, in this time of extreame and imminent danger, nor expose his Maiesties Subjects to any punishment for obeying the same. Notwithstanding that his Maiestie hath refused to give his consent to that ordinance: but ought to be obeyed by the fundamentall Lawes of this Kingdome.

The Declaration of 7. Ed. 1. Quoted in His Maiesties Proclamation, runneth thus.

THe King to the Justices of His Bench sendeth greeting: Whereas of late before certaine Persons deputed to treat upon sundry debates, had betweene Us, and certaine great men of Our next Parliament, after provision shall be made by Us, and the Common Assent of the Prelates, Earles, and Barons, That in all Parliaments, Treaties and other assemblies which should be made in the Realme of *England* for ever, That every man shall come without all force and Armour well and peaceably to the Honour of Vs, and the peace of Vs and Our Realme. And now in our next Parliament at *Westminster*, after the said Treaties, the Prelates, Earles, Barons, and the Commonalty of Our Realme there assembled, to take advice of this busine have said, That to Vs it belongeth, and Our part is through Our Royall Seigniority straightly to defend force of Armour, and all other force against Our peact at all times when it shall please Us, and to punish them which shall doe contrary according to Our Lawes and Vsages of Our Realme.

And hereunto they are bound to aide Vs, as their Sovereigne Lord at all seasons, when neede shall be. We command you, that you cause these things to be read afore you in the said Bench, and there to be Inrolled.

Given at Westminster the 30. day of October.

THe occasion of this Declaration was for the restraint of Armed men from coming to the Parliament, to disturbe the peace of it, and is very improperly alledged for the maintenance of such Leavies, as are now raised against the Parliament. The title of the Statute being thus, To all Parliaments, and Treaties, every man shall come without Force and Armes. So that the Question is not, whether it belong to the King or no to restraine such forces; But if the King shall refuse to discharge that Duty and Trust wherher there is not a power in the two Houses, to provide for the safety of the Parliament, and peace of the Kingdome, which is the end, for which the Ordinance concerning the *Militia* was made, and being agreable to the scope and purpose of the Law, cannot in reason be adjudged to be contrary to it; For although the Law doe affirme it to be in the King, yet it doth not exclude those, in whom the Law hath placed a power for that purpose: as in the Courts of Justice, the Sheriffs, and other officers and Ministers of those courts. And as their power is derived from the King by his Patents, yet cannot it be restrained by his Maiesties command, by his great Seale, or otherwise, much lesse can the power of Parliament be concluded by his Maiesties command, because the Authority thereof is of a higher, and more eminent nature, then any of those Courts.

It is acknowledged, That the King is the Fountain of Justice, and Protection; but the
s of Justice and Protection, are not exercised in His own Person nor depend upon His plea-
e, but by His Courts, and by His Ministers, who must do their Duty therein, though the King
his owne Person shou'd forbid them; And therefore, if Judgements should be given by
an against the Kings Will and Personall Command, yet are they the Kings Judgements.
The High Court of Parliament, is not onely a Court of Judicature, enabled by the Lawes to
ge, and determine the Rights, and Liberties of the Kingdome, against such Patents, and
ants of His Majesty, as are prejudiciall thereunto; although strengthened both by His Per-
all Command, and by His Proclamation, under the great Seale. But it is likewise a Councell
provide for the necessities, prevent the imminent dangers, and preserve the publike peace and
ety of the Kingdome, and to declare the Kings pleasure in those things as are requisite there-
to; and what they doe herein, hath the Stamp of Royall Authority, although His Majesty
luced by evill Counsell, doe in His owne Person, oppose, or interrupt the same; For the Kings
preame Power, and Royall Pleasure, is exercised and declared in this High Court of Law, and
councell, after a more eminent and obligatory manner, then it can be by any personall Act or
olution of His Own.

Seeing therefore the Lords & Commons, which are His Majesties great & Highest Councell,
ve ordained, That for the present and necessary Defence of the Realme, the Trained Bands,
d Militia of this Kingdome should be ordered according to that Ordinance, And that the
owne of *Hull* should be committed to the custody of *Sir John Herham*, to be preserved from
attempts of Rapists and other malignant persons, who thereby might put the Kingdome into
ombustion, which is so farre from being a Force against the Kings peace, that it is necessary
the keeping and securing thereof, and for that end alone is intended: And all his Majesties
ing Subjects, as well by that Law as by other Lawes, are bound to be obedient thereunto,
d what they do therein is according to that Law to be interpreted to be done, in ayd of the
ng, in discharge of that trust which he is tyed to performe; And it is so far from being tyable
punishment, that if they should refuse to doe it, or be perfwaded by any Commission or
mmand of his Majestie to doe the contrary, they might justly be punished for the same, accor-
g to the Lawes and usages of the Realme for the King by his Sovereignie is not enabled to
stroy his people, but to protect and defend them: And the High Court of Parliament, and all
ner his Majesties Officers and Ministers ought to be subservient to that power and authority,
ich the Law hath placed in his Majestie to that purpose, though he himselfe in his own person
ould neglect the same.

Wherefore the Lords and Commons doe declare the said Proclamation to be voyd in Law,
d of none effect, For that by the constitution and Policy of this Kingdome, the King by his
oclamation cannot declare the Law contrary to the Judgement and Resolution of any of the
feriour Courts of Justice, much lesse against the High Court of Parliament; for if it were ad-
tted, that the King by his Proclamation may declare a Law, thereby his Proclamations will
effect become Lawes, which would turne to the subverting of the Law, and the Rights, and
berties of the Subjects.

And the Lords and Commons doe require and command, all Constables, Petty-Constables,
d all other his Majesties Officers, and subjects whatsoever, to muster, Levie, Raile, March,
d Exercise, or to Summon or Writhe any upon Warrant from the Lieutenants, Deputy-Lie-
nants, Captains, or other Officers of the Trained bands, and all others according to the said
dinance of both Houses; and shall not presume to Muster, Levie, Raile, March, Exercise, by
e of any Commission, or other Authority whatsoever, as they will answer the contrary at
perills; and in their so doing, they doe further declare, That they shall bee proceeded
power and Authority of both Houses of Parliament; And that whosoever shall
uestion, or hinder them in the execution of the said Ordinance, shall bee proceeded a-
ginsters of the Lawes, and disturbers of the peace of the Kingdome,